IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 70527-M of 2006

DATE OF DECISION : 23.02.2007

Gurditta Singh alias Gora

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. H.S. Rakhra, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Petitioner Gurditta Singh alias Gora, apprehending his arrest in a non-bailable offence in case FIR No. 33 dated 8.4.2006 registered under Section 7 of the Essential Commodities Act and Section 420 IPC at Police Station Khem Karan, District Tarn Taran, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

On November 13, 2006, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 19.9.2006, passed by Special Judge, Amritsar, whereby bail application of the petitioner has been dismissed.

Counsel for the petitioner contends that the petitioner is only Chowkidar of the petrol pump and as per the allegations in the FIR, the petrol pump owner was selling the diesel by mixing the kerosene oil. He further contends that the petitioner has nothing to do with the mixing of the kerosene oil and even the FIR has been registered by the police simply on

the statement of one Pyara Singh on the ground that he had purchased 10 liters of diesel from the said petrol pump in which kerosene oil was alleged to have been mixed. Counsel contends that there is no report of the Expert that the diesel was adulterated or mixed with kerosene oil.

Counsel for the petitioner further states that in terms of the interim orders dated January 8, 2007, the petitioner has joined the investigation. The State counsel, after having instructions from Balwinder Singh ASI, does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated November 13, 2006, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

February 23, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**